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MAILED
OCT 04 2010
OFFICE OF PETITIONS

In re Patent No. 7,717,131 : DECISION ON REQUEST
Creswell et al. : FOR CERTIFICATE
Issue Date: May 18, 2010 : OF CORRECTION
Application No. 10/595,281 : and
Filed: November 22, 2006 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 70038-006 : CERTIFICATE OF CORRECTION

This letter is in response to the "REQUEST FOR ISSUANCE OF CERTIFICATE OF CORRECTION PURSUANT TO 37 C.F.R. § 1.322," filed June 4, 2010, requesting correction of the patent term adjustment indicated in the patent from "by 689 days" to "by 550 days." This request is treated as a renewed petition under 37 CFR 1.705(b).

The renewed petition under 37 CFR 1.705(b) is **GRANTED to the extent indicated herein.**

By decision mailed April 14, 2010, the initial application for patent term adjustment was granted to accord this application a patent term adjustment of 147 days at the time of the mailing of the notice of allowance. Pursuant to that decision, periods of adjustment for Office delay of 177 days and reduction for applicant delay of 30 days were entered. This was to correct this application to include calculation of a patent term adjustment rather than the calculation of patent term extension mailed with the notice of allowance. See Determination of Patent Term Extension mailed March 18, 2009.

At issuance, the error in processing the application as being entitled to patent term extension rather than adjustment was again corrected. Periods of adjustment of 177 days and 30 days entered on petition were again entered. Given this duplicate

correction, the patent issued with 147 days of additional patent term. This 147 days has been removed.

It is further noted that the patent as issued included 8 days of applicant delay accrued after the mailing of the notice of allowance.

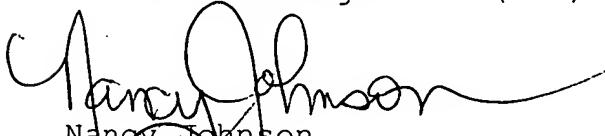
In view thereof, the correct revised patent term adjustment is five hundred forty-two (542) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by five hundred forty-two **(542)** days.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,717,131 B2

DATED : May 18, 2010

DRAFT

INVENTOR(S) : Creswell et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 689 days

Delete the phrase "by 689 days" and insert – by 542 days--